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10/697,891

10/30/2003

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10/23/2006

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EXAMINER

VY, HUNG T

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/697,891

Applicant(s)

LOAFMAN ET AL.

Examiner

Hung T. Vy

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2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>8/10/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. As of entry of the amendment filed on dated 08/10/2006, claims 1-13 are pending in this application. Upon reconsideration, the rejection of claims 1-13 by Hack et al. or Snyder et al. mailed 06/07/2006 is hereby withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kidder et al.

Summary of claims

2. Claims 1-13 are pending.
Claims 1-13 are rejected.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 08/10/2006. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1 and 10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The subject matter that is not properly described in the application as filed as "mountable device". There is no "mountable

device" in specification. In the specification, the applicant discloses only the filesystem stay mounted. It is different with the "mountable device".

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7, and 9-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Kidder et al. (U.S. patent No. 6,983,362).

Regarding claim 1, Kidder et al. discloses a computer system and a computer program product on a computer readable medium, comprising: a first processor (24) connected as a server; a plurality of client processors (26a,b,c,etc.) connected to communicate with said first processor (see fig. 1); a filesystem stored on at least one mountable device (see column 12, line 50+) and connected for accessed from said first processor (24) and said plurality of client processors (26); and a set of instructions configured to run on said computer system, wherein when a first portion of said filesystem is found to be corrupt (see column 35, line 41+), said first portion being on a first mountable device of said at least one mountable device (see column 39, line 5+ and see figs. 25-26), said set of instructions are connected to: receive information regarding a location of paid first portion and a perceived corruption (see column 35, line

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40+), in response to receipt of said information, (See column 6, line 10-17), isolate said first portion of said filesystem while leaving other portions of said filesystem available (see column 35, line 27+), while said first portion of said filesystem is isolated (See column 35, line 27+), and provide repair for said filesystem and after repair of said first portion of said file system (see column 40, line 27+), remove the isolation of said first portion (in order to restarting a single software, the isolation have to remove). (See column 38, line 60).

With respect to claims 2, 6, and 11, Kidder et al. discloses set of instruction receives said information from a scout process (software monitor) that traverses the filesystem looking for corruption (see column 35, line 42+).

With respect to claims 3, 7 and 12 Kidder et al. discloses set of instructions receives information from a thread operating as part of an application program (See column 32, line 52+) and said set of instructions further comprises restoring values recently changed by said thread (See column 33, line 48+) and restarting said thread (See column 33, line 48 or see column 38, line 55+).

With respect to claims 4, 9 and 13, Kidder et al. discloses the application program is assigned a process memory block (see column 36, line 58+) so it is inherent that set of instruction uses a lock to block said first portion of said file system when said first portion of said file system are isolation (see fig. 25 as block of fault isolation).

With respect to claims 5 and 10, Kidder et al. discloses a method of operating a computer system, comprising a step of receiving information regarding a first portion of a filesystem stored on at least one mountable device (see column 12, line 50+ or

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column 39, line 5+ and see figs. 25-26) and a detected corruption in said first portion of said filesystem (see column 35, line 41+), said first portion being on a first mountable device of said at least one mountable device (see column 39, line 5+ and see figs. 25-26); in response to said receiving step, isolating said first portion of said filesystem while leaving other portions of said filesystem available (see column 35, line 27+), while said first portion of said filesystem is isolated (See column 35, line 27+), providing for a repair of said first portion of said filesystem after repair of said first portion of said file system (see column 40, line 27+), removing the isolation of said first portion (in order to restarting a single software, the isolation have to remove) (See column 38, line 60).

Claim Rejections - 35 U.S.C. § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Kidder et al. (U.S. patent No. 6,983,362).

Regarding claim 8, Kidder et al. discloses all limitation claimed invention recited in claim 5 excepted for releasing all exclusive holds on resources. It would have been to one of ordinary skill in art at the time the invention was made to have releasing all exclusive holds on resources because Kidder et al. discloses the fault handler and the application program is recovered and restarts it to restore the resource for the system

(see column 38, line 26+) so Kidder et al. releasing the holds the recourses for its application program.

Response to Arguments

7. Applicant's arguments filed 8/10/2006, with respect to the rejection(s) of claim(s) 1-13 under Hack et al. or Snyder et al. mailed 06/07/2006 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (571) 272-1954. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If

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attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 308-7722 for After Final communications.

Information regarding the status of an application may be obtained from the patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private Pair or Public Pair. Status information for unpublished applications is available through Private Pair only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have question on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hung T. Vy
Art Unit 2163
September 14, 2006.


DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100